

STATE OF TENNESSEE

Office of the Attorney General



REGULATORY AUTH.

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Reply to:
Consumer Advocate and Protection Division
Post Office Box 20207
Nashville, TN 37202

July 11, 2001

Mr. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

**RE: Complaint and Petition to Intervene
Petition of Citizens Telecommunications Company of Tennessee for
Approval of a Promotion to Waive Nonrecurring Charges Associated with
Basic Local Service for Customers in McMinnville and Sparta Exchanges
Docket No. 01-00582**

Dear Mr. Waddell:

Enclosed is an original and thirteen copies of the State of Tennessee Attorney General's Complaint and Petition to Intervene for filing in the above-referenced matter. If you have any questions, kindly contact me at (615) 532-3382. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Shilina B. Chatterjee".

Shilina B. Chatterjee
Assistant Attorney General

cc: Richard Collier, Esq.
Gif Thornton, Esq.
J. Michael Swatts

SBC:sc
Enclosure

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE: PETITION OF CITIZENS)	DOCKET NO. 01-00582
TELECOMMUNICATIONS COMPANY)	
OF TENNESSEE FOR APPROVAL OF A)	
PROMOTION TO WAIVE)	
NONRECURRING CHARGES)	
ASSOCIATED WITH BASIC LOCAL)	
SERVICE FOR CUSTOMERS IN)	
MCMINNVILLE AND SPARTA)	
EXCHANGES)	

COMPLAINT AND PETITION TO INTERVENE

Comes Paul G. Summers, the Attorney General & Reporter, through the Consumer Advocate and Protection Division of the Office of Attorney General (hereinafter "Attorney General"), pursuant to Tenn. Code Ann. § 65-4-118 and Rule 1220-1-2-.02 of the Tennessee Regulatory Authority and respectfully complains and petitions to intervene in this case on behalf of the public interest since consumers may be affected by actions taken in this docket. The Attorney General complains and petitions as follows:

1. The Attorney General has a duty and the authority under Tenn. Code Ann. § 65-4-118(c)(2)(A) to represent the interests of Tennessee consumers of public utilities services.
2. The Attorney General is authorized by Tenn. Code Ann. §§ 65-4-118 and 65-5-210(b) to initiate, participate or intervene in proceedings to represent the public interest in accordance with the Uniform Administrative Procedures Act (UAPA).
3. Citizens Telecommunications Company of Tennessee ("Citizens") is a telecommunications utility regulated by the Tennessee Regulatory Authority ("TRA") pursuant to Tenn. Code Ann. §§ 65-4-101 and 65-4-104. Its usual address for service is 300 Bland Street, Bluefield, West

Virginia 24701.

4. Citizens filed a petition for approval of a promotion to waive nonrecurring charges associated with basic local service for customers in McMinnville and Sparta exchanges. However, they did not offer the same waiver of nonrecurring charges to customers located in their Weakley, Putnam and Cumberland county exchanges.

5. If the tariff waiving nonrecurring charges associated with basic local services becomes effective, it would result in unjust discrimination, undue and unreasonable preference and would be unreasonably prejudicial. Citizens should be required to offer the promotion in their exchanges in Weakley, Putnam and Cumberland counties.

6. By permitting Citizens to limit their promotion by exchange, it would constitute unjust discrimination to the customers in Citizens' other exchanges. Tenn. Code Ann. § 65-4-122(a) provides that a public service company that "directly or indirectly, by any special rate, rebate, drawback or other device, charges, demands, collects, or receives from any person a greater or less compensation for any service within this state than it charges, demands, collects or receives from any other person for service of a like kind under substantially like circumstances and conditions" and if such public service company "makes any preference between the parties aforementioned" such public service company "commits unjust discrimination, which is prohibited and declared unlawful." Unless the promotion is offered in Citizens' other exchanges in Weakley, Putnam and Cumberland counties, the promotion to waive nonrecurring charges associated with basic local service for customers in McMinnville and Sparta exchanges would constitute unjust discrimination under Tennessee law.

7. If the customers in the McMinnville and Sparta exchanges receive a waiver of the nonrecurring charges associated with basic local service, then Citizens would be giving them an undue or unreasonable preference or advantage over customers in the Weakley, Putnam and Cumberland

county exchanges because they would be not be able to obtain the waiver for nonrecurring charges since Citizens has not extended the waiver to those customers. Tenn. Code Ann. § 65-4-122(c) states “[i]t is unlawful for any such corporation to make or give an undue or unreasonable preference or advantage to any particular person or locality, or any particular person or locality, or any particular description of traffic or service, or to subject any particular person, company, firm, corporation or locality, or any particular description of traffic or service to any undue or unreasonable prejudice or disadvantage.” Therefore, under Tennessee law Citizens must offer the waiver of nonrecurring charges associated with basic local services to customers in all their exchanges in Tennessee.

8. If the petition to waive nonrecurring charges associated with basic local service to Citizens’ customers in the McMinnville and Sparta exchanges goes into effect, consumers will be unreasonably prejudiced. Tenn. Code Ann. § 65-4-123 declares the telecommunications service policy of the State of Tennessee. It states that “the policy of the state is to foster the development of an efficient, technologically advanced, statewide system of telecommunications services by permitting competition in all telecommunications services markets.” Furthermore, § 65-4-123 states “[t]o that end, the regulation of telecommunication services and telecommunication service providers shall protect the interests of consumers without unreasonable prejudice or disadvantage to any telecommunications service provider.” Therefore, regulation of telecommunication service providers shall protect the interests of consumers without unreasonable prejudice or disadvantage to any telecommunication services provider. If the promotion to waive the nonrecurring charges associated with basic local service for customers is limited to the McMinnville and Sparta exchanges it will unreasonably prejudice consumers. Citizens may offer the promotion without being disadvantaged by providing the promotion to waive nonrecurring charges associated with basic local service for customers in all their exchanges.

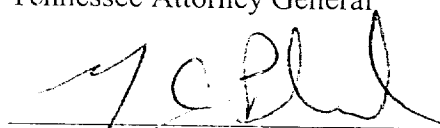
9. Only by participating and/or intervening in this proceeding can the Attorney General

.ccomplish the purposes set forth by the General Assembly thereby representing and protecting the interests of Tennessee consumers in public utility services.

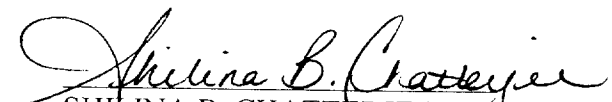
WHEREFORE, the Consumer Advocate and Protection Division of the Office of the Attorney General prays that Citizens Telecommunications Company of Tennessee's petition is denied or in the alternative that the Authority convene a contested case for the purpose of evaluating the issues in this matter.

Respectfully submitted,

PAUL G. SUMMERS, B.P.R. # 6285
Tennessee Attorney General



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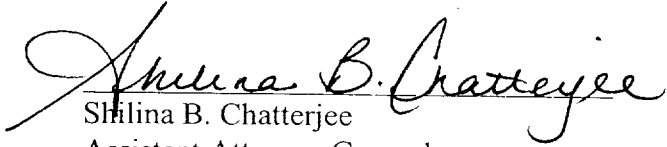
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Complaint and Petition to Intervene was served on parties below via facsimile and U.S. Mail, postage prepaid, on July 11, 2001.

Gif Thornton, Esq.
424 Church Street
28th Floor
Nashville, TN 37219

Richard Tettlebaum
Citizens Telecommunications
1400 16th Street, NW, Suite 500
Washington, D.C. 20036

J. Michael Swatts
State Government Affairs Director
Citizens Communications
300 Bland Street
P.O. Box 770
Bluefield, West Virginia 24701


Shilina B. Chatterjee
Assistant Attorney General

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